

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO.1291 OF 2002

State of Maharashtra : Appellant
(Orig. Complainant)

V/s.

1. Girish Premsingh Ben
2. Munna @ Shahenshah Ibrahim Shaikh : Respondents
(Orig. Accused 1 & 2)

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Mr.V.B.Konde-Deshmukh, Addl. Public Prosecutor for the
State.

Mr.J.G.Bhanushali for respondent No.2.

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CORAM : D.G.DESHPANDE & S.A.BOBDE, JJ.

DATE : JULY 10, 2006.

P.C.

1. Heard the learned Addl. Public Prosecutor for the
State and Mr.Bhanushali for respondent No.2.

2. This is an appeal by the State against the acquittal
of accused No.2 under the provisions of the Maharashtra
Control of Organised Crime Act, 1999, hereinafter
referred to as the "MCOCA". Though the accused has been
acquitted for the offence under the Indian Penal Code, the

appeal has not been filed against that acquittal. So far as the involvement in the offences under the MCOCA are concerned, the learned Addl. Public Prosecutor could not point out as to why the accused could be said to be a member of an organised syndicate. The trial Court has considered that aspect at length and came to the conclusion that accused No.2 has not committed any offence, much less an offence under the MCOCA. We do not find any reason to interfere.

3. Leave refused. The appeal is dismissed.

D.G. DESHPANDE, J.

S.A. BOBDE, J.